

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CASE NO. 70-45200
HON. LAWRENCE P. ZATKOFF

Plaintiff,

vs.

ROBERT LEE BLACKWELL,

Defendant.

OPINION AND ORDER

AT A SESSION of said Court, held in the
United States Courthouse, in the City of Port Huron,
State of Michigan, on January 10, 2011

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

I. INTRODUCTION

This matter is before the Court on Defendant's Motion to Expunge Conviction (Docket #2). The Government has filed a response, and the period for filing a reply has expired. The facts and legal arguments are adequately set forth in the documents submitted by the parties. Therefore, finding that the determination of the issues will not be aided by oral argument, and pursuant to E.D. Mich. Local R. 7.1(f)(2), this Court ORDERS that Defendant's Motion to Expunge Conviction be decided upon the brief submitted, without this Court entertaining oral arguments. For the reasons that follow, Defendant's Motion to Expunge Conviction is DENIED.

II. BACKGROUND

Defendant's motion states, in its entirety, as follows:

To the Honorable Lawrence P. Zatkoff:

This motion is a plea to the United States District Court Eastern District of Michigan For an expunction of the arrest and charge that are on my record.

On July 24, 1970, I was arrested and charged with one count of having in my possession stolen mail by THE AGENCY-USM DETROIT (MIUSMO100). THE AGENCY - 11453 CHARGE 1 POSSESSION OF STOLEN MAIL. THE COURT CHARGE - POSSESSION OF STOLEN MAIL - SENTENCE 2 YEARS PROBATION 12/15/71.

I thank the Court in advance for allowing me the opportunity to address the Court about this matter. I had no criminal record before this incident, and from that time until now, I have kept myself clean. This is a promise I made to myself 39 years ago when this incident happened.

III. OPINION

In a recent case, the Sixth Circuit Court of Appeals held that a district court does not have jurisdiction to consider a defendant's expungement motion. *See United States v. Lucido*, 612 F.3d 871 (6th Cir. 2010). As such, this Court lacks the authority to review this case on the merits and must deny Defendant's Motion to Expunge Conviction.

IV. CONCLUSION

Accordingly, and for the reasons set forth above, Defendant's Motion to Expunge Conviction (Docket #2) is DENIED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: January 10, 2011

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 10, 2011.

S/Marie E. Verlinde
Case Manager
(810) 984-3290